

Regular Session, 2010

HOUSE BILL NO. 20

BY REPRESENTATIVES SIMON, BALDONE, BARROW, HENRY BURNS, TIM BURNS, BURRELL, CARMODY, CHANDLER, CHANEY, CONNICK, CROMER, DOVE, GISCLAIR, GUILLORY, GUINN, HINES, HOWARD, KATZ, LAMBERT, LIGI, LITTLE, MILLS, NOWLIN, POPE, SMILEY, GARY SMITH, JANE SMITH, STIAES, TEMPLET, TUCKER, WADDELL, AND WOOTON

ELDERLY: Provides relative to the mandatory reporting of abuse of adults

1 AN ACT

2 To amend and reenact R.S. 15:1503(2) and to enact R.S. 15:1503(13), relative to mandatory  
3 reporting of abuse of adults; to amend the definition of "abuse"; to provide for a  
4 definition of "sexual abuse"; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 15:1503(2) is hereby amended and reenacted and R.S. 15:1503(13)  
7 is hereby enacted to read as follows:

8 §1503. Definitions

9 For the purposes of this Chapter, the following terms shall have the following  
10 meanings, unless the context clearly indicates a different meaning:

11 \* \* \*

12 (2) "Abuse" means the infliction of physical or mental injury, or actions  
13 which may reasonably be expected to inflict physical injury, on an adult by other  
14 parties, including but not limited to such means as sexual abuse, abandonment,  
15 isolation, exploitation, or extortion of funds or other things of value, ~~to such an~~  
16 ~~extent that his health, self-determination, or emotional well-being is endangered.~~

17 \* \* \*

18 (13) "Sexual abuse" means abuse of an adult, as defined in this Section,  
19 when any of the following occur:

- 1                    (a) The adult is forced, threatened, or otherwise coerced by a person into  
2                    sexual activity or contact.
- 3                    (b) The adult is involuntarily exposed to sexually explicit material, sexually  
4                    explicit language, or sexual activity or contact.
- 5                    (c) The adult lacks the capacity to consent, and a person engages in sexual  
6                    activity or contact with that adult.
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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Simon

HB No. 20

**Abstract:** Amends the definition of "abuse" and defines "sexual abuse" for purposes of the mandatory reporting requirements of abuse of adults.

Present law provides for mandatory reporting when a person has cause to believe that an adult's physical or mental health or welfare has been or may be adversely affected by abuse, neglect, or exploitation.

Present law defines "adult" as any individual 18 years of age or older, or an emancipated minor who, due to a physical, mental, or developmental disability or the infirmities of aging, is unable to manage his own resources, carry out the activities of daily living, or protect himself from abuse, neglect, or exploitation.

Present law defines "abuse" as the infliction of physical or mental injury on an adult by other parties, including but not limited to such means as sexual abuse, abandonment, isolation, exploitation, or extortion of funds or other things of value, to such an extent that his health, self-determination, or emotional well-being is endangered.

Proposed law redefines "abuse" as the infliction of physical, or mental injury or actions which may reasonably be expected to inflict physical injury, on an adult by other parties, including but not limited to such means as sexual abuse, abandonment, isolation, exploitation, or extortion of funds or other things of value.

Proposed law defines "sexual abuse" of an adult as follows:

- (1) The adult is forced, threatened, or otherwise coerced by a person into sexual activity or contact.
- (2) The adult is involuntarily exposed to sexually explicit material, sexually explicit language, or sexual activity or contact.
- (3) The adult lacks the capacity to consent, and a person engages in sexual activity or contact with that adult.

(Amends R.S. 15:1503(2); Adds R.S. 15:1503(13))

Summary of Amendments Adopted by House

House Floor Amendments to the engrossed bill.

1. Removed the infliction of emotional injury from the definition of abuse. Further removes actions which may reasonably be expected to inflict emotional or mental injury from the definition.
2. Removed trickery from the description of actions that would constitute and define sexual abuse.